

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Norfolk Division - Criminal

UNITED STATES OF AMERICA,

Plaintiff,

v. CRIMINAL CASE NO. 2:21-CR-45-01-JAG-RJK

**JESSICA ANN BRONSON
also known as Jessica Ann Holcombe,
TORY EUGENE DRAIN, SHELBY
LYNNETTE PROCTOR, SUSANNE
LEE STOUT also known as Susanne Lee Fields
and KRISTIN LANE FOSTER,**

Defendants.

**DEFENDANT'S
SUPPLEMENTAL SENTENCING MEMORANDUM**

Defendant, through undersigned counsel, having been granted leave of Court (*See* Doc. 185), hereby supplements her previously-filed Sentencing Memorandum (Doc. 149), on grounds stated herein.

On April 5, 2022, the Court indicated that it would consider letters authored by Eden Dean (Defendant's daughter) and Thomas Drain (Defendant's ex-husband) that were submitted to the Court at the time that Defendant's son and co-defendant, Tory Drain, was sentenced (*See* Doc. 174). Defendant now responds to those letters and submits additional information for the Court's consideration.

Letter from Thomas Drain

Defendant can only surmise that Mr. Drain's letter was written to mitigate Tory Drain's sentence. Without getting into a factual "he said/she said", Mr. Drain's infliction of serious abuse

to the Defendant should be weighed by the Court against the veracity of the averments in his letter. His extensive criminal history, punctuated by crimes of moral turpitude, significant violence towards others, and involving his own son as a co-defendant in a home invasion (for which both were convicted), render the utility of Mr. Drain's letter a legal nullity. (*See* Exhibit 1, Virginia Criminal History of Thomas Drain, and Exhibit 2, Ohio documents pertaining to conviction of Thomas Drain for armed burglary).

Mr. Drain impugns the Defendant for being a bad mother and exposing Tory Drain to drugs. Notwithstanding Tory Drain's refutation of this idea (discussed *infra*), the irony of Mr. Drain's letter cannot be understated based on his committing a home invasion with his son, and it should not be viewed as anything more than an extension of a litigious custody case and Mr. Drain's harboring continued animosity against the Defendant.

Letter from Eden Nicole Dean

Eden Dean's letter is likewise unavailing. Its allegations are refuted by Tory Drain, himself. Based on discussions with both Defendant and her husband, Eden Dean and Tory Drain never lived in the same household together. Rarely, if ever, were they even in the same state for any appreciable period of time.

Up until the time of, and significantly after Defendant's arrest, Defendant and her husband provided financial assistance to Ms. Dean. Due to economic constraints, that support ended shortly prior to Ms. Dean writing the letter on behalf of her brother that, concurrently, casts Defendant in a poor light to the Court.

Both the Defendant's and Ms. Dean's social media accounts portray a very different picture of the relationship between the Defendant and Ms. Dean. Without attaching large numbers of screenshots to this pleading as exhibits, it should suffice to say that Defendant and Ms. Dean had

an active relationship, which may be aptly summarized by Defendant's involvement in Ms. Dean's cheerleading and academic endeavors in recent years. These images speak a thousand words in stark contrast to the contents of Ms. Dean's letter. Once again, without embarking on a "he said/she said" and casting aspersions, Ms. Dean's letter should be viewed for what it is – a thinly-veiled attempt by a confused teenager to help her brother and blame her mother – largely for not continuing to meet her adolescent financial demands.

Letter from Tory Drain

On June 6, 2022, undersigned counsel received an *unsolicited* letter from Tory Drain.¹ That letter is attached hereto as Exhibit 3.² In his letter, he disabuses any notion that Defendant introduced him to drugs. He further confirms Thomas Drain's abuse of the Defendant and how she left him in order to protect her other children. Tory Drain speaks of a mother who tried to get him to quit drugs – not get him hooked on them – and one who was actively involved in her children's lives while trying to make ends meet to support them in all ways possible.

With regard to the present offense, Tory Drain further acknowledges that he manipulated Defendant into her participation – a cycle that is not surprising given that emotional abuse is a behavior that Tory Drain likely learned from his father, and one that Defendant is susceptible to as a victim given her lack of counseling and treatment.

Perhaps most significantly, Tory Drain makes clear what everyone seems to know already – that Defendant is an addict. But for her history of being traumatized and abused (as is more fully

¹ At no time whatsoever has defense counsel ever initiated, or had any form of direct contact with Tory Drain.

² Page 2 of the letter is cut off. Counsel received it in this fashion and duplicated it without altering it in any way from its appearance when received.

discussed in Defendant's Sentencing Memorandum), she likely would not have turned to drugs to numb her pain, and would not be in her current legal situation.

Defendant asks this Court to consider the foregoing information pursuant to 18 U.S.C. § 3553(a) in response to the letters submitted to the Court on behalf of Tory Drain. Defendant asks the Court to disregard said letters and to sentence her to a term of imprisonment that is sufficient but not greater than necessary.

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of July, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/

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